

Michael A. Rollin
JONES & KELLER, P.C.
1999 Broadway, Suite 3150
Denver, CO 80202
Phone: 303-573-1600
Email: mrollin@joneskeller.com

Attorneys for Lehman Brothers Holdings Inc.
and Certain of Its Affiliates

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----x
In re : Chapter 11 Case No.
: :
LEHMAN BROTHERS HOLDINGS INC., *et al.* : 08-13555 (SCC)
: :
Debtors. : (Jointly Administered)
-----x

**NOTICE OF PRESENTMENT OF STIPULATION,
AGREEMENT AND ORDER REGARDING DISMISSAL
OF CLAIM AND WITHDRAWAL OF OBJECTION TO CLAIM**

PLEASE TAKE NOTICE that the undersigned will present the annexed Stipulation, Agreement And Order Between BNC Mortgage LLC and Claimant Boor Providing For Dismissal Of Claimant's Proof Of Claim No. 33325 And Withdrawal Of Plan Administrator's Objection To Claim, Without Prejudice As To Boor's Rights, If Any, Against Non-Debtor Persons Or Entities ("Stipulation, Agreement and Order") to the Honorable Shelley C. Chapman, United States Bankruptcy Judge, for signature on **December 23, 2014 at 12:00 p.m. (Prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that unless a written objection to the Stipulation, Agreement and Order with proof of service, is served and filed with the Clerk of the Court and a courtesy copy is delivered to the undersigned and to the chambers of the Honorable Shelley C. Chapman so as to be received by **December 22, 2014 at 4:00 p.m. (Prevailing Eastern Time)** (the "Objection Deadline"), there will not be a hearing and the Stipulation, Agreement and Order may be signed.

PLEASE TAKE FURTHER NOTICE that if a written objection is timely served and filed, a hearing will be held to consider the Stipulation, Agreement and Order on **January 15, 2015 at 10:00 a.m. (Prevailing Eastern Time)** (the "Hearing") before the Honorable Shelley C. Chapman, United States Bankruptcy Judge, at the United States Bankruptcy Court, Alexander Hamilton Customs House, Courtroom 623, One Bowling Green, New York, New York 10004.

PLEASE TAKE FURTHER NOTICE that objecting parties are required to attend the Hearing, and failure to appear may result in relief being granted or denied upon default.

Dated: December 15, 2014

/s/ Michael A. Rollin

Michael A. Rollin
JONES & KELLER, P.C.
1999 Broadway, Suite 3150
Denver, CO 80202
Phone: 303-573-1600
Attorneys for Lehman Brothers Holdings Inc. and
Certain of Its Affiliates

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re : Chapter 11 Case No.
: :
LEHMAN BROTHERS HOLDINGS INC., *et al.*, : 08-13555 (SCC)
: :
Debtors. : (Jointly Administered)
: :

STIPULATION, AGREEMENT AND ORDER BETWEEN
BNC MORTGAGELLCAND CLAIMANT BOOR PROVIDING FOR
DISMISSALOF CLAIMANT'SPROOF OF CLAIM NO. 33325 AND
WITHDRAWALOFPLAN ADMINISTRATOR'S OBJECTIONTO CLAIM, WITHOUT
PREJUDICE

AS TO BOOR'S RIGHTS, IF ANY, AGAINST NON-DEBTOR PERSONS OR ENTITIES

This stipulation, agreement, and order (the “Stipulation, Agreement and Order”) is entered into by and between Arthur and Joanne Boor (“Boor”) and Lehman Brothers Holdings Inc. (“LBHI”), as Plan Administrator pursuant to the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors (the “Plan”) on behalf of BNC Mortgage LLC (“BNC”). LBHI and Boor are collectively referred to in this Stipulation, Agreement and Order as the “Parties” and each a “Party.”

RECITALS

A. Commencing on September 15, 2008 (as applicable, the “Commencement Date”) and periodically thereafter, LBHI and certain of its affiliates (collectively, the “Chapter 11 Estates”) commenced voluntary cases (the “Chapter 11 Cases”) under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”).

B. By order, dated July 2, 2009 [ECF No. 4271], the Court established September

22, 2009, as the deadline to file proofs of claim (each a “Proof of Claim”) against the Chapter 11 Estates.

C. On September 18, 2009, Boor filed unsecured/non-priority Proof of Claim No. 33325 against BNC. In part, Proof of Claim No. 33325 seeks rescission of Boor’s residential mortgage loan for which BNC was the lender (the “Loan”).

D. On October 7, 2013, LBHI filed Plan Administrator’s Objection to Proof of Claim No. 33325 [ECF No. 40292] (“Objection”).

E. On November 5, 2013, Boor submitted a response to the Objection, and withdrew all claims at law, maintaining only an equitable claim for rescission. [ECF No. 40992].

F. BNC sold the Loan to a third party on or around September 2013.

G. On August 5, 2014, LBHI filed Plan Administrator’s Supplemental Objection to Proof of Claim No. 33325 [ECF No. 45590] (“Supplemental Objection”).

H. On September 3, 2014, Boor submitted a response to the Supplemental Objection. [ECF No. 46232].

I. On September 9, 2014, the Parties appeared before the Honorable Shelley C. Chapman, United States Bankruptcy Judge, at the United States Bankruptcy Court, Alexander Hamilton Customs House, Courtroom 623, One Bowling Green, New York, New York 10004, to address Boor’s equitable claim for rescission, the only claim remaining against BNC.

J. For the reasons stated on the record by both Parties and by the Honorable Shelley C. Chapman, and upon good-faith, arms-length negotiations between the parties, the Parties have agreed to resolve Claim No. 33325 pursuant to the terms and conditions set forth in this Stipulation, Agreement and Order.

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND
BETWEEN THE PARTIES, AND, UPON BANKRUPTCY COURT APPROVAL
HEREOF, IT SHALL BE ORDERED THAT:**

1. The Recitals set forth above form an integral part of this Stipulation, Agreement and Order and are incorporated fully herein.
2. Upon entry of this Stipulation, Agreement and Order by the Bankruptcy Court ("the “Effective Date”"), Proof of Claim No. 33325, asserted in the above-captioned proceeding, will be disallowed and expunged with prejudice as to BNC and all Lehman debtors, but without prejudice as to Boor's rights, if any, for rescission of the loan and mortgage in the pending State Court action, against non-debtor persons or entities, who purchased the loan and without costs against either party.
3. The terms of this Stipulation, Agreement and Order are subject to the approval of the Bankruptcy Court and in the event the Bankruptcy Court does not approve this Stipulation, Agreement and Order, it shall be null and void and of no force and effect.
4. This Stipulation, Agreement and Order is solely for the benefit of the Parties and not for any other person to or entity and no such person shall be entitled to the benefit of (or even entitled to rely upon) this Stipulation, Agreement and Order.
5. This Stipulation, Agreement and Order can only be amended by Order of the Bankruptcy Court.
6. Each person who executes this Stipulation, Agreement and Order by or on behalf of a Party represents and warrants that he or she has been duly authorized and empowered to execute and deliver this Stipulation, Agreement and Order on behalf of such Party.
7. This Stipulation, Agreement and Order may be executed in counterparts, each of

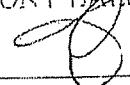
which shall be deemed an original but both of which shall constitute one and the same instrument, and it shall constitute sufficient proof of this Stipulation, Agreement and Order to present any copy, copies, or facsimiles signed by the Parties here to be charged.

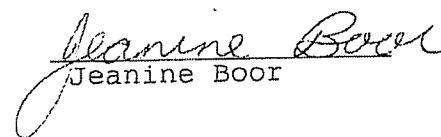
8. This Stipulation, Agreement and Order shall be effective immediately upon its Effective Date and the requirements of Bankruptcy Rule 4001(a)(3) are waived.

9. This Stipulation, Agreement and Order shall be interpreted, construed and enforced exclusively in accordance with the laws of the State of New York.

10. The Bankruptcy Court shall retain jurisdiction to resolve any disputes or controversies arising from or related to this Stipulation, Agreement and Order.

December
Dated: September 15, 2014

JONES & KELLER, P.C. By:  1999 Broadway Suite 3150 Denver, Colorado 80201 Telephone: (303) 573-1600 Facsimile: (303) 573-8133 <i>Attorney for Lehman Brothers Holdings Inc. and Certain of its Affiliates</i>	ANTHONY BARSAMO, ESQ. By:  111 John Street Suite 800 New York, NY 10038 Telephone: (212) 785-3434 Facsimile: (646)-378-4410 <i>Attorney for Claimants Arthur and Jeanine Boor</i>
--	---


Jeanine Boor

SO ORDERED this _____ day of _____, 2014

THE HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE